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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,079

10/04/2005

Folkert Gaayo Miedema

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10/22/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

NISSAN, BARAK

ART UNIT

PAPER NUMBER

4117

MAIL DATE

DELIVERY MODE

10/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,079

Applicant(s)

MIEDEMA ET AL.

Examiner

Barak Nissan

Art Unit

4117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/4/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/30/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10552079, filed 10/04/2005, claims 1-12 have been examined.

Drawings

2. The drawings are objected to because the unlabeled rectangular box(es) shown in the drawings (figures 1-6) should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Arrangement of the Specification

3. As provided in 37 CFR 1.77(b), the specification of a utility application should

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include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification should be broken down into sections. Correction is required.

Claim Objections

- 4. Claim 8 is objected to because of the following informalities: The grammar in the following sentence "in which the obtained identifier is stored associated..." should be replaced with "in which the obtained identifier is stored and associated...". Appropriate correction is required.
- 5. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

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Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

6. In this case, claim 10 from which claims 11 depend on is directed to a machine category patentable subject matter claim, i.e. "a system for controlling retransmission". In accordance with 37 CFR 1.75(c) one or more claims may be presented in dependent form, referring back to and further limiting another claim(s) in the same application. Further, "a claim in a dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers" and requires the dependent claim to further limit the subject matter claimed (see MPEP 2164.08).

Specifically, dependent claims 11 do not refer back to and/or further limit the controlling retransmission system, rather these claims refer to and further limits the "media transcoding system", as such these claims are deemed to be in improper dependent form for failing to further limit the claimed subject matter of a previous claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilsen (WO 02103968).

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9. Regarding claim 1, Nilsen teaches a method of controlling retransmission (i.e. forwarding/relay) of a content item contained in a multimedia message (page 1, line 7-11), comprising;
receiving the message containing the content item (e.g. text, stock quotes, page 1 line 21) from a sender together with an identifier of an intended recipient of the message (e.g. MIME based structure as such has a header containing sender and recipient identifiers/addresses, page 8 lines 14-19),
obtaining an identifier for the content item (page 10, line 9, identifies content element),
retrieving approval information from a provider (PEE) based on the identifier for the content item (page 10 lines 12-14), and controlling retransmission of the message including the content item to the intended recipient based on the retrieved approval information (page 10 lines 21-28).
10. Regarding claim 2, Nilsen teaches controlling retransmission comprises allowing retransmission of the message including the content item to the intended recipient and billing the sender or the intended recipient a premium price (page 10, lines 29-30).
11. Regarding claim 3, Nilsen teaches controlling retransmission comprises allowing retransmission of the message including the content item to the intended recipient and recording details regarding the retransmission (CCE carries out control of transferred content, page 11 lines 6-12).
12. Regarding claim 4, Nilsen teaches controlling retransmission comprises restricting retransmission of the message (page 5, lines 11-14).

13. Regarding claim 5, Nilsen teaches restricting retransmission comprises disallowing retransmission of the message (page 11, lines 25-30).

14. Regarding claim 6, Nilsen teaches restricting retransmission comprises allowing retransmission of the message but disallowing retransmission of the content item. This claim comprises substantially claim the same steps discussed in claims 4 and 5, thereby same rationale of rejection is applicable.

15. Regarding claim 7, Nilsen teaches information identifying the provider is retrieved from a database based on the obtained identifier (page 10, lines 31-34).

16. Regarding claim 8, Nilsen teaches the obtained identifier is stored and associated with an identifier for the sender in the database if the information identifying the provider could not be retrieved from the database (page 12, lines 5-11).

17. Regarding claim 9, Nilsen teaches the information identifies plural providers, retransmission being conditional upon approval information retrieved from any of the plural providers (e.g. 3rd party value added service and content providers, page 1 lines 18-19).

18. Regarding claim 10, this claim comprises a system arranged for transmitting multimedia messages between users concerning the approval information from the provider substantially comprises the same steps as discussed in claims above, thereby same rationale of rejection is applicable.

19. Regarding claim 11, Nilsen teaches a media transcoding system, arranged for transcoding content items in a multimedia message to a format suitable for an intended recipient, comprising the system of claim 10 (page 12 , lines 16-30).

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20. Regarding claim 12, Nilsen discloses a computer program product (e.g. stand alone or integrated software component) arranged for causing a processor (terminal) to execute the method of claim 1 (page 14 lines 15-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barak Nissan whose telephone number is (571)-270-3632. The examiner can normally be reached on Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on (571)-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B.N.


BEATRIZ PRIETO
SUPERVISORY PATENT EXAMINER